



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John WALKER, et al
Serial No.: 08/913,430 Group No.: 1641
Filed: December 9, 1997 Examiner.: Rodney P. Swartz
For: ANTIGEN COMPOSITION AGAINST MYCOPLASMA

Attorney Docket No.: U 011415-0

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

JUN 06 2002

TECH CENTER 1600/2900

REPLY TO NOTICE OF IMPROPER REQUEST FOR RCE

In reply to the notice of improper request for RCE mailed May 17, 2002, Applicants respectfully note that Applicants did not file a request for continued examination in this application, they file a continued prosecution application. Accordingly, the Notice is respectfully believed to be inapplicable to the present situation.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231

Date: May 29, 2002

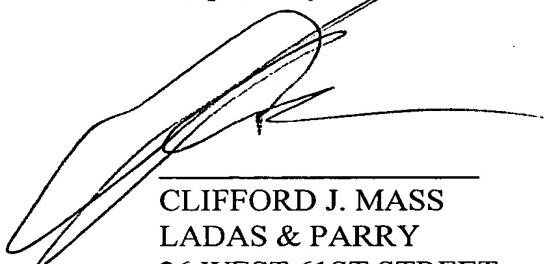
CLIFFORD J. MASS
(Type or print name of person mailing paper)

(Signature of person mailing paper)

Applicants are mindful of the "Note" at the bottom of the Notice which states that a request for a continued prosecution application in applications, including previously filed CPAs, filed on or after May 29, 2002 will be treated as a RCE. However, Applicants respectfully note that the filing date of the present application is prior to May 29, 2000 and they did not previously file a CPA after May 29, 2000. (Applicants filed a RCE after May 29, 2000, but this is not covered by the "Note" and does not affect the pre-May 29, 2000 filing date of this application.)

In view of the above, it is respectfully requested that the Notice be withdrawn and that the requested CPA be accorded the filing date to which it is entitled.

Respectfully submitted,



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1641

Practitioner's Docket No. U 011415-0

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of John WALKER, et al

Serial No.: 08/913,430

Group No.: 1641

Filed: December 9, 1997

Examiner: Rodney P. Swartz

For: ANTIGEN COMPOSITION AGAINST MYCOPLASMA

Assistant commissioner for Patents
Washington, D.C. 20231

#2030
JUN
6/14/02

REPLY TO NOTICE OF IMPROPER REQUEST FOR RCE TRANSMITTAL

- Transmitted herewith is an amendment for this application.

STATUS

RECEIVED

- Applicant is

- a small entity. A statement:
 - is attached.
 - was already filed.
- other than a small entity.

JUN 06 2002

TECH CENTER 1600/2900

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

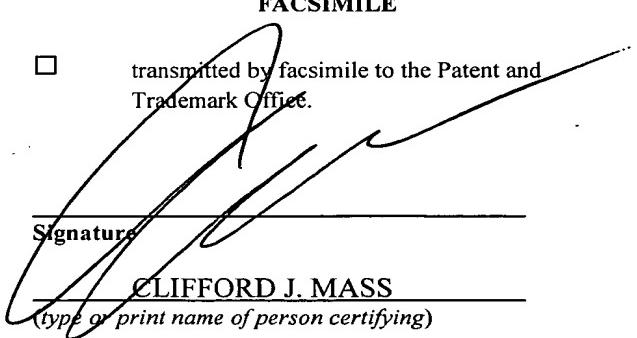
- deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: May 29, 2002

FACSIMILE

- transmitted by facsimile to the Patent and Trademark Office.

Signature


CLIFFORD J. MASS
(type or print name of person certifying)

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings, and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a)-or-(b), as applicable)

- (a) Applicant petitions for an extension of time under 37 C.F.R. 1.136
(fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

| Extension (months) | Fee for other than <u>small entity</u> | Fee for <u>small entity</u> |
|---------------------------------------|---|--------------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 400.00 | \$ 200.00 |
| <input type="checkbox"/> three months | \$ 920.00 | \$ 460.00 |
| <input type="checkbox"/> four months | \$ 1,440.00 | \$ 720.00 |

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for _____ months has already been secured. The fee paid therefor of
\$ _____ is deducted from the total fee due for the total months of extension now
requested.

Extension fee due with this request \$ _____

OR

- (b) Applicant believes that no extension of term is required. However, this is a
conditional petition being made to provide for the possibility that applicant has
inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| | (Col. 1) | (Col. 2) | (Col. 3) | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | | |
|--|----------------------------------|---------------------------------|----------|------------------|----------|---------------------------|------------------|------------|
| | Claims Remaining After Amendment | Highest No. Previously Paid For | | Present Extra | Rate | Addit. Fee | OR | Addit. Fee |
| Total | * | Minus | ** | = | x \$ 9= | \$ | x \$ 18= | \$ |
| Indep. | * | Minus | *** | = | x \$ 42= | \$ | x \$ 84= | \$ |
| <input type="checkbox"/> First Presentation of Multiple Dependent Claims | | | | | + \$140= | \$ | + \$280= | \$ |
| | | | | Total Addit. Fee | \$ _____ | OR | Total Addit. Fee | \$ _____ |

- * If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,
- ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: *"After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. 1.116(a) (emphasis added).*

(complete (c) or (d), as applicable)

- (c) No additional fee for claims is required.

OR

- (d) Total additional fee for claims required \$ _____.

FEE PAYMENT

5. Attached is a check in the sum of \$ _____.
- Charge Account No. 12-0425 the sum of \$ _____.
A duplicate of this transmittal is attached.

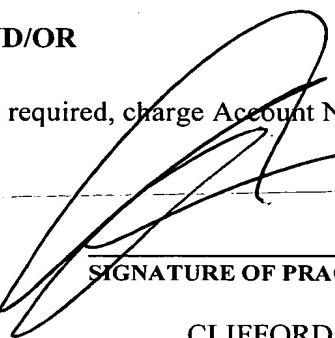
FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. If any additional extension and/or fee is required, charge Account No. 12-0425.

AND/OR

- If any additional fee for claims is required, charge Account No. 12-0425


SIGNATURE OF PRACTITIONER

Reg. No. 30,086

CLIFFORD J. MASS

(type or print name of practitioner)

Tel. No. 212-708-1890

P.O. Address

Customer No. 00140

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